

Case No. 18-1318**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

STATION GVR ACQUISITION, LLC
D/B/A GREEN VALLEY RANCH RESORT SPA CASINO,

PETITIONER,

v.

NATIONAL LABOR RELATIONS BOARD,

RESPONDENT,

PETITIONER'S STATEMENT OF ISSUES TO BE RAISED

Petitioner Station GVR Acquisition, LLC, d/b/a Green Valley Ranch Resort Spa Casino ("GVR") states that it expects to raise the following issues in support of its Petition for Review of the Decision and Order ("D&O") of the National Labor Relations Board ("Board") reported at 367 N.L.R.B. No. 38 (November 26, 2018):

1. Whether the Board erred in concluding that it was permissible for Local Joint Executive Board of Las Vegas, affiliated with UNITE HERE International Union, AFL-CIO ("Union") – with the knowledge and assistance of bargaining unit employees – to request, receive, and use partial lists of who had

and had not voted, so long as the lists were not in writing.

2. Whether the Board erred in concluding that it was permissible for the Union – with the actual knowledge of bargaining unit employees – to monitor and track the voting activities of eligible voters, so long as the voters did not have actual knowledge that the Union had compiled the information into a formal “list.”

3. Whether the Board erred in concluding that the bargaining unit employees who: (a) were asked by a Union “special agent” to identify the specific date and time they intend to vote; (b) were asked by that same Union special agent on the day of the election whether they had voted; (c) informed the Union special agent that they had not voted; and (d) received a house visit or phone call from the Union later that night soliciting them to vote on the second day of the election, would not have “reasonably inferred” that the Union was tracking whether they had voted.

4. Whether, in light of the Union’s election misconduct, the Board erred in certifying the Union as the exclusive bargaining representative of the bargaining unit employees.

Dated: December 24, 2018

Respectfully submitted,

/s/ Harriet Lipkin

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Spa Casino*

CERTIFICATE OF SERVICE

I hereby certify this 24th day of December, 2018, that a copy of the foregoing *STATEMENT OF ISSUES TO BE RAISED* was served electronically through the Court's CM/ECF system on all registered counsel.

/s/ Harriet Lipkin
HARRIET LIPKIN